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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,524	02/19/2002	Hiroaki Ito	P67646US0	1675

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EXAMINER

BOCHNA, DAVID

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,524

Applicant(s)

ITO ET AL.

Examiner

David E. Bochna

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Objections

1. Claims 1-20 are objected to because of the following informalities:

Claim 1, lines 7 and 10, it is unclear what is meant by “as measured under specific conditions”

Claim 2, lines 10 and 12-13, it is unclear what is meant by “as measured under specific conditions”

Claim 7, line 2, “teh” should be “the”.

Claim 8, line 3, it is unclear what is meant by “as measured under specific conditions”

Claim 9, lines 3-4, it is unclear what is meant by “as measured under specific conditions”

Claim 10, last line, it is unclear what is meant by “as measured under specific conditions”

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Muto et al.

In regard to claims 1 and 2, Muto et al. discloses a tank joint part 31A welded to a resinous outer surface 31 of a fuel tank for joining another device thereto, and made of resinous material satisfying the following requirements:

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The difference in volume swelling between materials of the tank joint part and the outer surface of the tank is 10% or less when they swell with fuel, as measured under specific conditions;

The bonding strength between the materials of the tank joint part and the outer surface of the tank is at least 2 Mpa, as measured under specific conditions.

In regard to claim 3, the main 32 and joining members 32A, 33 form a unitary product of injection molding.

In regard to claim 4, the main and joining members are complementarily engaged with each other in cross section.

In regard to claim 5, the joining member is of the multilayer structure comprising at least two joining submembers 32A, 31A lying between the tank 31 and the main member 32.

In regard to claim 6, the main member 32 and the joining submembers form a unitary product of injection molding.

In regard to claim 7, the main member and the joining submembers are complementarily engaged with each other in cross section.

In regard to claims 8, 9 and 10, the material of the tank joint part has a fuel permeability of 2.5 mgmm/cm²/day or less as measured under specific conditions (tank is made from HDPE and the fuel cut valve 32 is made from polyamide (see col. 3, lines 12-13)).

In regard to claims 11, 13 and 15, the outer surface of the tank is of HDPE (see col. 3, line 11-12), and the tank joint part is of an alloy of a resinous material of low fuel permeability and a polyolefin elastomer.

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In regard to claims 12, 14 and 16, the resinous material of low fuel permeability is selected from the group consisting of polyamides 32 and ethylene-vinyl alcohol copolymers (33 is made from a metamorphic polyethylene layer).

In regard to claim 17, the tank joint part is a fuel filler valve 32.

In regard to claim 18, the tank joint part 32 is a pipe for connecting a hose to the tank 31.

In regard to claim 19, the tank is a single-layered resinous tank 31.

In regard to claim 20, the tank 31 is an automobile fuel tank.

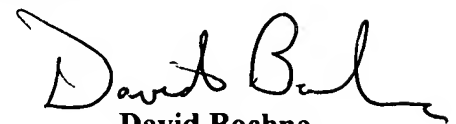
Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cassaro et al., Foltz, Emerson et al., Lawrence et al., Coleman, Rush et al., Cox, Savage, Roe and Mitchell all disclose similar tank joints common in the art.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


David Bochna
July 9, 2003